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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,745	12/14/2001	Andre Colens	21413-PCT-PA	4195

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EXAMINER
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PETRAVICK, MEREDITH C

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/030,745

**Applicant(s)**

COLENS, ANDRE

**Examiner**

Meredith C Petravick

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 36-48 is/are pending in the application.
- 4a) Of the above claim(s) 46-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-45 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Newly submitted claims 46-48 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The originally claimed invention was a system and method for picking up golf balls, dead leaves or sheets of paper. Claims 46-48 now present a system for method for picking up golf balls on a golf practice and a combination of a system for picking up objects and golf balls.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 46-48 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 36-38, 40-41 and 43-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Reed 6,076,226.

Reed discloses a system for pickup objected over a delimited surface (a room) having an automatic mobile machine (22) comprising:

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- an on-board computer (200 and 226; part 226 in on the machine)
- a power source (62)
- means to pick up (76) and store objects in a container (90)

The machine is programmed to return to a station (20) and to automatically unload the objects (Column 9, lines 40-42).

In regards to claim 37, the station (20) has means to transmit a direction beam (146) and the machine has a receiver (142).

In regards to claim 38, the station (20) has an object recovery bowl (91) with an object lifting system and duct (114, 116).

In regards to claim 40, the container has a door (108) the door is opened by the computer by turning on the suction.

In regards to claim 41, the station (20) has a means to recharge the power source (24).

In regards to claim 43, a detector (part of 200) senses by time when the power source is in need of recharging and when the container is full.

In regards to claim 44, the recharging means and the object unloading means is coupled by housing (20).

#### *Claim Rejections - 35 USC § 103*

4. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed.

Reed discloses the device described in detail above. Further, Reed discloses providing ramps and a platform for raising the machine (Column 6, lines 21-26). However, Reed discloses the recovery bowl being above instead of below the platform. It would have been obvious to one

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having ordinary skill in the art at the time the invention was made to place the recovery bowl below the platform instead of above it, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

5. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed in view of Nishimura et al. 4,854,006.

Reed discloses the device described in detail above and having rails that are capable of contacting the side of the machine. However, Reed does not disclose two side brushes.

Like Reed, Nishimura et al. discloses a vacuum cleaner that picks up objects. Unlike Reed, Nishimura et al. discloses providing side brushes (33) in addition to the main brush. Nishimura et al. teaches that this allows dirt on the edges of the carpet adjacent a wall to be brushed up (Column 3, lines 35-38).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cleaner in Reed with side brushes as in Nishimura et al., in order to increase efficiency by brushing up the edges of the carpet.

6. Claims 1 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruffner 6,338,013 in view of VanGihoven et al. 4,771,504.

Ruffner discloses system for picking up objects (Column 10, line 27) over a delimited surface (Column 11, lines 62-65) comprising an automatic machine (1) having:

- an on-board computer (Column 10, lines 19-22)
- a power source (3)

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The machine is programmed to return to a station (2) and automatically unload the objects (Column 9, lines 9-25). Ruffner discloses that the system can be used for raking but does not disclose the details of a raking work module.

Like Ruffner, VanGihoven et al. discloses a work module for raking. Unlike Ruffner, VanGihoven et al. discloses the details. The raking work module includes: a plurality of spaced apart flexible discs (on 48) on a transverse rotation shafts and a plurality of fingers (on 46) disposed transversely on the machine between the flexible discs to extract the objects.

Given the suggestion in Ruffner for a raking work module, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the rake of VanGihoven et al. as the work module on Ruffner, in order to increase raking efficiency.

### *Response to Arguments*

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-45 merely claim objects and not golf balls.

### *Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith Petravick whose telephone number is 703-305-0047. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. - 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-308-1113. The fax number for this Group is 703-872-9306.

A handwritten signature in black ink, appearing to read 'M. Petravick', with a stylized, flowing script.

**Meredith Petravick**  
**Patent Examiner**  
**Group Art Unit 3671**

April 15, 2004